

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD JUNE 20, 2011 AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET.

1 – Roll Call: Present: Mayor Schuster, Councilmembers Carey, Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
Absent: None

Mayor Schuster announced that a copy of the Open Meetings Act is posted in the meeting room and is accessible to members of the public.

2 - Consent Agenda

- a. Approve agenda as submitted.
- b. Receive and place on file all notices pertaining to this meeting.
- c. Receive and place on file all materials having any bearing on this meeting.
- d. Approval of minutes of regular meeting on June 6, 2011 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims
 - (1) Approval of claim of Robert L. Tiemann Construction in the amount of \$18,426.73
 - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$803,813.47
- f. Approval of BASWA Report of Claims in the amount of \$149,639.47
- g. Approval of manager application of Donald Alm in connection with the Liquor License B-26169 for Farmers Union Coop Supply located at 1615 North 6th Street.
- h. Approval of payment #3 in the amount of \$125,748.00 to J.J. Westhoff Construction for the Landfill Phase 4 Liner Construction project.
- i. Resolution Number 5298 setting the hearing date for July 5, 2011, at 7:00 p.m. on the application of Beatrice Airport for annexation of Lot 1, Beatrice Air Park Third Addition.
- j. Approval of City Share cost of paving Hickory Road in the amount of \$192,987.48 per Interlocal Agreement with Gage County authorized by Resolution Number 5103, to be funded with LB840 dollars.

Moved by Fetty, seconded by Schmale, that the items listed under the consent agenda, be approved, accepted and/or ratified as presented, Tiemann abstained from item e(1).

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
Nay: None

Motion carried.

3 - Public Hearings/Bids:

a. Public Presentation of the Downtown Revitalization Plan

Cory Scott, planner for RDG Planning & Design, presented the Downtown Revitalization Plan coordinated through public involvement providing idea sharing, analysis of building uses, parking deficiencies, market analysis, and where to go from here. Ideas include to preserve building facades, encourage residential development, develop retail niche-type businesses and food establishments, public restrooms, a new community players theatre, and to relocate Highway 136 one block south creating gateways on Court Street, to make the heart of the community attractive and safe, with plenty of activities and parking. The plan is just the beginning of the process, Phase II of the CDBG grant provides for some implementation of the plan. Members of the Steering Committee, Rick Clabaugh, Jim Nelson, Lori Warner, Alexis Winder, spoke in support of the plan. City Administrator, Neal Niedfeldt, thanked the committee and all the community participation for their great input in developing this exciting concept.

b. Hearings

- (1) Public Hearing regarding amending Table 4-2 of the Beatrice Zoning Regulations regarding College/University, Primary Education, and Secondary Education uses.**

Mayor Schuster announced that a public hearing be held regarding amending Table 4-2 of the Beatrice Zoning Regulations regarding College/University, Primary Education, and Secondary Education uses.

City Attorney, Tobias Tempelmeyer, explained the proposed change to the City's zoning ordinance, to clean up language which was not consistent in the current ordinance regarding educational facilities and allow schools regardless of type in certain areas, and also remove the allowance for secondary education in a floodway.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:36 p.m.

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
Nay: None

Motion carried.

(2) Public Hearing concerning application to DED for a CDBG grant for the implementation of Phase II of the Downtown Revitalization Plan. Note: application not ready so postponed to a future meeting

Mayor Schuster announced that the public hearing concerning application to DED for a CDBG grant for the implementation of Phase II of the Downtown Revitalization Plan will be postponed to a future meeting to allow for more time to prepare the application.

4– Resolutions:

a. Resolution to receive the Downtown Revitalization plan by RDG Planning and Design for consideration of the CDBG program Phase II application.

Mayor Schuster introduced Resolution Number 5299 to receive the Downtown Revitalization plan by RDG Planning and Design for consideration of the CDBG program Phase II application.

Moved by Fetty, seconded by Langdale, that Resolution Number 5299 be passed and adopted.

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
Nay: None

Motion carried.

Passed and adopted Resolution Number 5299.

b. Resolution to grant Derek Fralin dba Fralin Concessions permission for the sale or peddle of goods on public parking lots at Hannibal Park and Northern Natural Gas Ball Fields.

Mayor Schuster introduced Resolution Number 5300 to grant Derek Fralin dba Fralin Concessions permission for the sale or peddle of goods on public parking lots at Hannibal Park and Northern Natural Gas Ball Fields.

Moved by Fetty, seconded by Catlin, that Resolution Number 5300 be passed and adopted.

City Administrator Niedfeldt explained that Mr. Fralin was requesting permission to sell concessions from his concession trailer on City property and that he had reached an agreement with both of the organizations operating the concession stands at Hannibal Park and Northern Natural Gas Ball Fields to sell sno-cones. Derek Fralin, 941 W. Scott, spoke regarding his request and apologized, that he was not aware a permit from the City was needed. Discussion followed. City Attorney Tempelmeyer explained that to sell on city property you need permission from the City Council, a peddlers permit is an annual permit applied for at the City Clerk's office and does not come before council. Lori Warner, Beatrice Area Chamber of Commerce, spoke that they receive calls regarding selling of products and would like the law more clear on how it is to be handled.

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
Nay: None

Motion carried.

Passed and adopted Resolution Number 5300.

- c. Resolution approving the recommendations and rankings of the Selection Committee for firms to submit proposals for the Carnegie Building Restoration project.**

Mayor Schuster introduced Resolution Number 5301 approving the recommendations and rankings of the Selection Committee for firms to submit proposals for the Carnegie Building Restoration project.

Moved by Fetty, seconded by Langdale, that Resolution Number 5301 be passed and adopted.

Mayor Schuster explained that the City had received letters of interest from four contractors, which the committee reviewed and recommended to request proposals from all four. The Request for Proposals will be due back by the end of July and plan to submit a recommendation to select a builder at the August 15th meeting.

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
Nay: None

Motion carried.

Passed and adopted Resolution Number 5301.

- d. Resolution authorizing placement of stop signs for east and west traffic on Arbor Avenue at the intersection of Arbor Avenue and 21st Street.**

Mayor Schuster introduced Resolution Number 5302 authorizing placement of stop signs for east and west traffic on Arbor Avenue at the intersection of Arbor Avenue and 21st Street.

Moved by Fetty, seconded by Schmale, that Resolution Number 5302 be passed and adopted.

Councilmember Catlin requested some type of signage at the intersection which includes the entrance to East Arbor Meadows; that people in the area felt there was a need.

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
Nay: None

Motion carried.

Passed and adopted Resolution Number 5302.

5– Ordinances:

- a. Ordinance to amend Table 4-2 of the Beatrice Zoning Regulations to allow College/University, Primary Education and Secondary Education uses in “O” Office, “LC” Limited Commercial, “CBD” Central Business District and “GC” General Commercial and to repeal Secondary Education uses in “FW” Floodway.**

Mayor Schuster introduced an ordinance to amend Table 4-2 of the Beatrice Zoning Regulations to allow College/University, Primary Education and Secondary Education uses in “O” Office, “LC” Limited Commercial, “CBD” Central Business District and “GC” General Commercial and to repeal Secondary Education uses in “FW” Floodway

Moved by Fetty, seconded by Moore, that said ordinance be given number 11-014, the title thereof be approved, the rules be suspended, and said ordinance be read by number only three times tonight,

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 11-014 by number only the first, second and third times.

Moved by Fetty, seconded by Schmale, that Ordinance Number 11-014 be passed and approved.

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
Nay: None

Motion carried.

Passed and approved Ordinance Number 11-014.

6 – Public Forum:

Rick Schwartz, Chairman of the Beatrice Area Chamber of Commerce Board, appeared at public forum and thanked the City for their support in making a good and successful Homestead Days event.

7- Discussions/Reports:

a. City Administrator's Monthly Report

Mayor Schuster referred to the Monthly City Administrator's Report as printed in the packet.

8 –Miscellaneous:

Next regular council meeting is TUESDAY, July 5, 2011 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.
Worksession on June 27, 2011 at 7:00 p.m. in the Beatrice Public Library Sargent Meeting Room.

Moved by Fetty, seconded by Langdale, that the meeting be adjourned at 8:01 p.m.

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
Nay: None

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster